Serial No. 09/994,518   Janani Janakiraman

Section III:

AMENDMENT UNDER 37 CFR §1.121 to the

DRAWINGS

No amendments or changes to the Drawings are proposed.

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Section IV:

AMENDMENT UNDER 37 CFR §1.121

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REMARKS

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<u>Rejections under §103(a) over Agarwal in view of Provance</u>

    In the Office Action, independent claims 22, 28 and 34 were rejected as being obvious under 35 USC §103(a) over the combination of Agarwal in view of Provance, citing that for claim 22, Agarwal teaches determining a battery condition and transmitting the condition from a client device to a web server, that Provance teaches selecting by the server only essential web objects in a web page and transmitting the selected web objects to the client.

    Applicant points out that the proposed combination does not teach all of the claimed elements, steps, and limitations, being especially silent as to selecting "essential" data to transmit or suppress. Additionally, applicant points out that limitations recited in the claim regarding web pages and web page objects are not actually taught by either cited reference, and no evidence has been introduced in the first Office Action to suggest these limitations, and as such, a *prima facie* case of obviousness under 35 USC §103(a) does not exist.

    Regarding the first point, we have claimed selecting only "essential" web page objects for transmission to the client device from the server. By "essential", we mean objects or parts of a web page which are indispensable, or part of the essence of the page itself, and not including advertisements, banners, animated graphics, etc., which are unrelated to the subject matter of the page as a whole.

    In our disclosure, we have described such non-essential web objects as downloadable advertisements, executable scripts, animated graphical objects, objects which would exceed a maximum download time per object or per page, objects which would exceed a maximum display area per object or per page, objects whose display would exceed a maximum number of permitted colors or maximum amount of memory for storage.

    In other words, our use in our claims of the term "essential" refers to a characteristic of the actual content of the data, not just the data rate which is employed to transfer that data. In this way, some web objects (e.g. some data) are downloaded, and some are not, depending on the nature of the content of the data or the nature of the information the data represents.

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So, with respect to the argument that Provance teaches selecting by a web server only *essential* web objects in a web page and transmitting the selected web objects to the client, applicant contends that Provance is silent as to selecting data based on *any* criteria related to the content of the packets, and especially silent as to selecting data based on its "essential" nature or representation. Instead, Provance teaches slowing down the transfer rate (Abstract) of continuous transmission of packets of data (col. 5, lines 25 - 26), but presumably *all* data is eventually transmitted or rerouted (col. 9, lines 1 - 3), without regard to its actual essentiality to the operations of the intended recipient (a satellite in their case). This allows Provance to save battery power by shutting down unused transceivers (Abstract; col. 3, lines 1 - 4; col. 9, lines 42 - 46) to lower aggregate bandwidth, which is not an option in a cell phone (cell phones are not known to have multiple transceivers). We have claimed selection and transmission of "*only essential*" web objects, which Provance fails to teach or suggest. Whereas it has been agreed by Examiner in the Office Action that Agarwal fails to teach this step, element or limitation in the rationale for the proposed combination, then the proposed Agarwal-Provance combination fails to teach all of the claimed steps, elements, and limitations of Claims 22, 28, and 34.

With respect to the argument that Agarwal teaches determining a battery condition and transmitting the low battery condition from a client device to a web server, Applicant agrees that Agarwal transmits a battery condition *from* a wireless destination, but not *to* a web server. Instead, Agarwal teaches transmitting their battery condition *to a base station* (Abstract; col. 1 lines 47 - 48; col. 4, lines 63 - 64; col. 5, lines 57 - 58) which allows the base station to prioritize transmissions to the wireless mobile device (col. 1, lines 53 - 54). However, Agarawal is silent as to transmitting the battery condition to a *web server*, where a web server is well known to be a distinctly different device or system than a wireless base station. For example, a wireless base station is not known to serve web objects or web pages to a client device, and a web server is not known to communicate wirelessly directly to a client device. Whereas transmission of the battery condition "to a web server" is explicitly recited in Claims 22, 28, and 34, and whereas Agarwal is silent as to transmitting a battery condition to a web server, the Agarwal-Provance combination fails to teach all of the claimed steps, elements, and limitations of Claims 22, 28, and 34.

With respect to the argument that Provance teaches selecting essential *web objects* in a *web page* by a *web server*, Provance fails to teach either "web objects" or "web server", as

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recited in claims 22, 28, and 34. Instead, Provance teaches of satellite communications, and dialing systems, data packet buffers, but there is no mention in the entirety of Provance's disclosure of web servers, web pages, or web objects. Packet networks, often used as a communication medium between a web server and a web browser, are not known to provide any of the functionality of a web server, such as storing web objects, responding to page requests, etc. Because Provance is silent regarding teaching or suggestion of selection of "web objects" in a requested "web page" by a "web server", and because these aspects of our invention are explicitly recited in claims 22, 28, and 34, Agarwal in view of Provance fails to teach all of the claimed steps, elements, and limitations of Claims 22, 28, and 34.

In summary, a *prima facie* case of obviousness under 35 USC §103(a) has not been established, as Agarwal in view of Provance fails to teach:

    (a)   selection of only essential data for transmission;

    (b)   selection of web objects in a web page;

    (c)   selection by a web server.

For these reasons, Applicant requests allowance of claims 22, 28, 34.

Regarding the rejections of claims 23 - 27, 29 - 33, and 35 - 39 over Agarwal in view of Provance in further view of Official Notice, there are two reasons why these claims should be allowed. First, these claims depend on claim 22, 28, or 34, and thus inherit the claimed steps, elements and limitations which are not taught by Agarwal or Provance, as discussed in the foregoing paragraphs. As the Office Notice is not directed towards these untaught steps, elements and limitations, then Agarwal in view of Provance in further view of Official Notice fails to teach these same steps, elements and limitations.

Second, the Official Notice was given in the Office Action without supporting documentation, citing that it was notoriously well-known that mobile terminals could receive advertisements, graphical web objects, video segments, etc. No further explanation is provided. Applicant requests that Examiner withdraw this grounds of rejection, or provide a more detailed reasoning as to how this Office Notice relates to the claims and cited references at hand, as required by MPEP 2133.03(B) when the Official Notice provides no documentary evidence (e.g.

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the technical line of reasoning must be clear and unmistakable, so specific factual findings predicated on sound technical and scientific reasoning to support the opinion of common knowledge must be provide by the exmainer).

For example, if it is contended that Agarwal's prioritization of routing of messages by a wireless base station would be commonly known to prioritize "web objects", several questions arise. Were any base stations known at the time applicant's invention was made which could prioritize routing of web objects, and which could select web objects or determine their essentiality based on their content nature? If the contention is that it would have been obvious to replace Agarwal's base station with a web server which can do these types of things, where is the suggestion in the art to make such a substitution, and where is the enabling disclosure to do so?

If it is contended that Provance's satellites which send battery conditions to ground stations would save battery power by not receiving non-essential web objects, where in Provance or the common knowledge is it disclosed that selectively blocking such web objects would save a satellite power consumption, whereas Provance saves battery power by *non-selectively* transmitting *all* data, albeit at a lower packet rate to a reduced number of active transceivers?

As these are reasonable questions which are not addressed by the line of reasoning presented in the Office Action, applicant traverses per MPEP 2144.03(C) the finding of the Official Notice as being unclear and mistakable.

For these reasons, applicant requests allowance of claims 22 - 39.

Respectfully Submitted,

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